

REMARKS

In the August 10, 2005 Office Action the Examiner required restriction to one of the following groups under 35 U.S.C. §121:

- Group I: Claims 1-34, 35-36 (in part), 37-38, and 40-66, drawn to method of inhibiting neural degeneration by administering agent to mammals
- Group II: Claims 35-36 (in part) and 39, drawn to administering an agent that upregulates expression of an endogenous iron chelator;
- Group III: Claims 67-69 (in part), 70-71, 74-76 (in part), and 77-78, drawn to kits and pharmaceutical compositions comprising a nucleic acid;
- Group IV: Claims 67-69 (in part), 72-73, and 74-76 (in part), drawn to kits and pharmaceutical compositions comprising iron chelators;
- Group V: Claims 79-80 (in part), 81-82, and 89-91 (in part), drawn to neural tissue in contact with iron chelators;
- Group VI: Claims 79-80 (in part), 83-88, and 89-91 (in part), drawn to neural tissue in contact with a protein; and
- Group VII: Claims 92-93, drawn to method of evaluating the risk or progression of a disease.

In response to this restriction requirement, Applicants elect Group I, claims 1-34, and 35-36.

In addition, if any of Groups I, or IV-VI are elected, the Examiner further required election of one of the following species for prosecution:

- Species A: 5-chloro-7-iodo-hydroxyquinoline (clioquinol);
- Species B: deferiprone;
- Species C: desferrioxamine
- Species D: pseudan;
- Species E: ferritin;
- Species F: ferritin heavy subunit;

In response to this election of species, Applicants elect Species C, desferrioxamine.

With respect to the election of species, the Examiner is respectfully reminded that if there is a generic claim, the Examiner is to include "a complete action on the merits of all the claims readable on the elected species" MPEP 809.02(c). In addition, to the extent all species fall within the limitations of a generic claim ultimately determined to be patentable the non-elected species should no longer be deemed to be withdrawn and claims to the additional non-elected species should be considered by the Examiner.

Applicant's further note that the following claims are readable on the elected species: Claims 1-4, 11-20, 27-35, 43-52, 59-79, and 86-90. Accordingly, it is Applicants understanding that in accordance with MPEP §809.02(c) these claims will be examined with respect to the initially elected species.

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If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3513.

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Respectfully submitted,



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